STATE OF ARIZONA FILED

STATE OF ARIZONA

AUG 28 2013

DEPARTMENT OF INSURANCE

DEPT OF INSURANCE BY

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GOMEZ, JESSICA MARIE

(Arizona License Number 1015962) (National Producer Number 10141934) No. 13A-103-INS

CONSENT ORDER

Respondent.

The State of Arizona Department of Insurance ("Department") has received evidence that **Jessica Marie Gomez** ("Respondent") violated provisions of Title 20, Arizona Revised Statutes. Respondent wishes to resolve this matter without the commencement of formal proceedings, and admits the following Findings of Fact are true and consents to entry of the following Conclusions of Law and Order.

FINDINGS OF FACT

- 1. Respondent is, and was at all material times, licensed as an Arizona resident casualty and property insurance producer, Arizona license number 1015962, which expires November 30, 2015.
- 2. Respondent's addresses of record are: c/o Servicios Unidos, 2050 N. 16th St., #A, Phoenix, Arizona 85006 (business and mailing) and 1613 E. Brill St., #3, Phoenix, Arizona 85006 (residence).
- 3. Respondent was at all material times contracted with United Automobile Insurance Company ("UAIC") to transact insurance on its behalf in Arizona.

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- 4. Respondent changed her residential and business addresses without informing the Department within 30 days of the change.
- 5. Between or about November 23, 2012 and March 26, 2013, Respondent collected \$2,327.00 in premium from 31 clients and failed to remit the premium to UAIC. When UAIC attempted to debit the premium money from Respondent's trust account, they incurred \$500.00 in Non Sufficient Funds fees bringing Respondent's delinquent total due to UAIC to \$2,827.00.
- 6. UAIC has since recovered \$2,462 of its losses from Respondent leaving a delinquent balance of \$365.

CONCLUSIONS OF LAW

- 1. The Director has jurisdiction over this matter.
- 2. Respondent's conduct, as described above, constitutes improperly withholding monies received in the course of doing insurance business within the meaning of A.R.S.§20-295(A)(4).
- 3. Respondent's conduct, as described above, constitutes failure to inform the Director in writing within 30 days of any change in the licensee's residential or business address within the meaning of A.R.S. § 20-286(C)(1).
- 4. Respondent's conduct, as described above, constitutes violating any provision of Title 20 within the meaning of A.R.S. § 20-295(A)(2).
- 5. On the written request of a person who is licensed, the Director may accept the voluntary surrender of the person's authority to transact one or more lines of insurance or of the person's entire license. A person who surrenders an authority or license shall not

reapply for the same authority or license for at least one year after the date of surrender pursuant to A.R.S. § 20-289(F).

6. Grounds exist for the Director to suspend, revoke, or refuse to renew Respondent's insurance license and/or order restitution pursuant to A.R.S. §§20-295(A) and (F).

ORDER

IT IS HEREBY ORDERED THAT:

- 1. Respondent may surrender her insurance producer license, Arizona license number 1015962.
- 2. Respondent shall immediately make restitution to UAIC in the amount of \$365.00.

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DATED AND EFFECTIVE this 28 day of August, 2013.

Hermeine L. Manker

GERMAINE L. MARKS Director of Insurance

CONSENT TO ORDER

- Respondent has reviewed the foregoing Findings of Fact, Conclusions of Law and Order.
- 2. Respondent admits the jurisdiction of the Director of Insurance, State of Arizona, and admits the foregoing Findings of Fact and consent to the entry of the foregoing Conclusions of Law and Order.
- 3. Respondent is aware of her right to notice and hearing at which she may be represented by counsel, present evidence and examine witnesses. Respondent irrevocably

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waives her right to such notice and hearing and to any court appeals relating to this Consent Order.

- 4. Respondent states that no promise of any kind or nature whatsoever, except as expressly contained in this Consent Order, was made to her to induce her to enter into this Consent Order and that she has entered into this Consent Order voluntarily.
- 5. Respondent acknowledges that the acceptance of this Consent Order by the Director is solely to settle this matter against her and does not preclude any other agency, including the Department, officer, or subdivision of this state or this agency from instituting civil or criminal proceedings as may be appropriate now or in the future.
- 6. Respondent acknowledges that this Consent Order is an administrative action that the Department will report to the National Association of Insurance Commissioners (NAIC). Respondent further acknowledges that she must report this administrative action to any and all states in which she holds an insurance license and must disclose this administrative action on any license application.

08-26-13 Date

essica Marie Gomez Arizona License # 1015962

COPIES of the foregoing mailed/delivered this 28th day of August , 2013, to:

Jessica Marie Gomez 4339 W. Maldonado Rd. Lavene, AZ 85339 Respondent

UAIC
Investigator Derek Haverkamp
Special Investigations Unit
P.O. Box 15397
Scottsdale, AZ 85267

1 2 3 4 5 6	Darren T. Ellingson, Deputy Director Mary E. Kosinski, Executive Assistant for Regulatory Affairs Mary Butterfield, Assistant Director, Consumer Affairs Division Catherine M. O'Neil, Consumer Legal Affairs Officer Steven Fromholtz, Licensing Supervisor Charles Gregory, Supervisor Investigations Division Randy Markham, Investigator Department of Insurance 2910 North 44 th Street, Suite 210 Phoenix, Arizona 85018 Curvey Burton
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